

REMARKS

Claims 1-5, 10-21 and 27 have been examined. Applicant acknowledges the Office's statement that the present application is entitled to the priority date of the priority document DE 102 60 591.2. Rejection of claims as anticipated by Guimil et al., have been withdrawn.

Claims 1-3, 10-12, 14-21 and 27 are rejected as anticipated by Beier (WO 02/062815; hereinafter "Beier"), as evidenced by Guimil. Applicant has amended claim 1 herein to incorporate the feature of claim 4 and submits that the rejection is overcome. Claim 4 is cancelled in view of this amendment.

Applicant also has the following comments concerning the Beier reference. The Office Action characterizes Figure 3 of Beier as disclosing a two-stage deprotection method. However, illumination before or after removal of the Fmoc protective group, by a base, was disclosed. The Office argues that, due to the sequence of the application of light and a base, Beier anticipates claim 1. Figure 3 discloses two-stage protective groups, in which a light-activatable protective group is obtained by base elimination. This is exactly the converse procedure as in the present invention. The Office has not recognized that illumination doesn't have any effects as long as the two-stage protective group carries the Fmoc group. This different functionality is represented by the structure of the two-stage protective group. In Beier, the photolabile function is directly linked to the monomer, where the base-labile protective group blocks the hydrogen at the aniline group, such that the binding between the monomer and the photolabile protective groups are based on the trityl group of formula (I), whereas the photolabile protective group is linked to one of the phenyl groups. Photoactivatable groups are represented by the formulas (II) to (V). The photoactivatable group is thus linked to the monomeric building block via the chemically cleavable group.

Applicant requests withdrawal of the rejection based on anticipation by Beier.

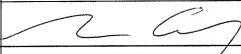
Claim 2 is rejected as lacking written description (containing new matter). The Office considers a combination of treatments to be new matter to this claim. The claim, however, is supported by the original claim 2, which referred to the treatments in a list of Markush type with the term "or/and." The claim is amended here to use traditional U.S.

Markush format. Applicant submits that a list where the final item is linked with "or/and" indicates that the items in the list may be used singly or in any combination. The change of the language therefore does not introduce new matter.

Applicant submits that claim 2 as amended is clear and fully supported by the original filings. Applicant therefore requests withdrawal of the rejection.

Claims 1-5 and 10-20 are rejected under the doctrine of non-statutory double patenting over U.S. Patent No. 7,355,036. Applicant submits a terminal disclaimer with this response and requests withdrawal of this rejection in view of this submission.

Applicant requests reconsideration of the present application and allowance of all claims presented here.

	Respectfully submitted,				
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